

REMARKS

A. Claims

Claims 1-28 were pending in the application. Claims 7, 10, 13-14, and 26-28 have been cancelled. Claim 1, 3-6, 8, 11-12, 15-17, 19, 22, and 25 have been amended. Claims 29-35 have been added. Claims 1-9, 11-12, 15-25, and 29-35 accordingly remain pending in the application.

B. 35 U.S.C. §102 Rejections

The Examiner rejected claims 1-8, 11, 17, 18 and 23-28 under 35 U.S.C. 102(b) as being anticipated by Litvin, et al. (U.S. Patent No. 6,099,258) (hereinafter “Litvin”).

Applicant respectfully reminds the Examiner that the standard for “anticipation” is one of strict identity. Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The **identical invention** must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Litvin does not disclose, teach, or suggest at least “wherein the substantially planar portion of the grill comprises an opening configured to receive a handle of a substantially similar grill when stacked on top of the substantially similar grill such that the substantially planar portions of the stacked grills are substantially parallel when the grills are stacked; wherein the opening is substantially coplanar with the substantially planar portion” as recited in amended claim 1. Applicant respectfully submits claim 1 and claims dependent thereon are allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claim 1 and claims dependent thereon.

Applicant respectfully disagrees with the rejections of claims 26-28, however, as these claims have been cancelled, the rejection of these claims is believed to be moot.

C. 35 U.S.C. §103 Rejections

Claims 12, 15, and 22

The Examiner rejected claims 12, 15 and 22 under 35 U.S.C. 103(a) as being unpatentable over Litvin in view of Bull, et al. (U.S. Patent No. 5,822,186) (hereinafter “Bull”). Applicant respectfully disagrees with these rejections.

Claims 12, 15, and 22, dependent from patentably distinct claim 1, are also believed allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejections to claims 12, 15, and 22.

Claims 9 and 20

The Examiner rejected claims claims 9 and 20 under 35 U.S.C. 103(a) as being unpatentable over Litvin in view of Fritschle, et al. (U.S. Patent No. 6,288,897) (hereinafter “Fritschle”). Applicant respectfully disagrees with these rejections.

Claims 9 and 20, dependent from patentably distinct claim 1, are also believed allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejections to claims 9 and 20.

D. New Claims

Applicant respectfully requests examination of added Claims 29-35 which are also believed to patentably distinguish over the cited references.

E. Allowable Claims

The Examiner indicated Claims 10, 13, 14, 16, 19 and 21 would be allowable if rewritten in independent form. Claims 10, 13, and 14 have accordingly been rewritten in independent form (claims 29, 30, and 32, respectively), and are thus believed to be in condition for allowance (minor amendments were made to correct antecedent basis). Applicant also respectively submits claims 16, 19, and 21, dependent upon patentably distinct claim 1, are also allowable for at least the above reasons.

F. Conclusion

In light of the foregoing amendments and remarks, Applicants submit that all pending claims are in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505\5681-88700.

Respectfully submitted,

/Russell Henrichs/

Russell Henrichs
Reg. No. 50,354
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin,
Kowert & Goetzel, P.C.
P.O. Box 398
Austin, Texas 78767-0398
Phone: (512) 853-8800
Date: 3-6-08